HON'BLE MR JUSTICE A. GOPAL REDDY

-

WRIT PETITION NO.19527 OF 1995

DATE:23.03.2006

Between:

K.Balakrishna Rao & two others

..... PETITIONERS

AND

The Special Deputy Collector,

(Rehabilitation-cum-Acquisition) Unit,

L.M.D. Colony, Karimnagar District..

.....RESPONDENT

-

-

-

-

-

-

-

-

-

HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.19527 OF 1995

ORDER:

Petitioners are the owners of certain lands in Sy.No.78 of Elgandal village. For acquisition of the said lands, notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued and an award was also passed in award No.13/85-86, dated 25.3.1986. On receipt of the notices under Section 12(2) of the Act, on 6.5.1986 the petitioners filed applications before the respondent under Section 18 of the Act to refer the matter to the Civil Court. Now, the present writ petition is filed complaining inaction on the part of the respondent in referring the matter to the Civil Court.

Even after ten years of filing the writ petition, the respondent has not chosen to file any counter affidavit controverting the allegations made by the petitioners about their filing applications on 6.5.1986 for referring the matter to the Civil Court. Further, the Xerox copies of the of the notices issued under Section 12(2) of the Act, dated 25.3.1986 and receipt of the applications filed under Section 18 of the Act, do disclose that the applications were filed well within the time.

In that view of the matter, the respondent is hereby directed to refer the claims of the petitioners to the Civil Court, if not already referred. Further, if the land covered by the said notification is already referred and an award is passed, the petitioners are entitled to seek re-determination for compensation under Section 28-A of the Act.

With the above directions, the writ petition is disposed of. No costs.

A. GOPAL REDDY, J

23rd MARCH, 2006.

Tsr